

S.D.N.Y.-N.Y.C.
16-cr-389
Hellerstein, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 1st day of July, two thousand twenty-one.

Present:

Michael H. Park,
Steven J. Menashi,
*Circuit Judges.**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: Jul 01 2021
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In re Jona Rechnitz,

Petitioner.

Jona Rechnitz,

Petitioner,

21-77

v.

United States of America, The New York City
Correctional Officers' Benevolent Association,

Respondents.

Petitioner requests a writ of mandamus directing the district court both to reassign his case to a different judge and to bar the disclosure of his confidential financial information. The New York City Correctional Officers' Benevolent Association ("COBA") opposes the petition, and the United States takes no position. Petitioner also moves for leave to file a reply and to stay the district court's financial disclosure order.

* Judge Sullivan has recused himself from consideration of this motion. Pursuant to Second Circuit Internal Operating Procedure E(b), the matter is being decided by the two remaining members of the panel.



It is hereby ORDERED that the motion for leave to file a reply is GRANTED, the mandamus petition is GRANTED as to the financial disclosure issue, and the petition is DENIED as to the recusal issue for failure to demonstrate a clear and indisputable right to issuance of the writ on that issue. *See Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 380 (2004).

Regarding the financial disclosure issue, the district court is directed to vacate its order requiring that Petitioner's financial information be disclosed to COBA and filed on the public docket. *See United States v. Charmer Indus., Inc.*, 711 F.2d 1164, 1175 (2d Cir. 1983) (presentence investigation report is presumptively confidential and should not be disclosed to third parties "in the absence of a compelling demonstration that disclosure . . . is required to meet the ends of justice").

It is further ORDERED that the motion for a stay is DENIED as moot.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit